



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0045**

Introduced , by Rep. Mike Smiddy

**SYNOPSIS AS INTRODUCED:**

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution. Establishes an Independent Redistricting Commission. Requires the Commission to adopt and file a redistricting plan with the Secretary of State by June 30 of the year following each federal decennial census. Sets forth criteria the Commission is to use in the formulation of that plan. Requires the Commission to hold public hearings regarding its proposed redistricting plans. Sets forth provisions concerning the number of votes needed for the Commission to take official action. Subject to limited exceptions, requires meetings and records of the Commission to be open to the public. Establishes a procedure for the selection of Commissioners. Establishes eligibility criteria for persons involved with the Commission's work. Provides that, if the Commission fails to adopt and file with the Secretary of State a district plan by June 30 of the year following a federal decennial census, then the Chief Justice of the Supreme Court and the most senior Judge of the Supreme Court who is not affiliated with the same political party as the Chief Justice shall appoint a Special Commissioner for Redistricting by July 31 of the year following the applicable federal decennial census. Requires the Special Commissioner to design and file a district plan with the Secretary of State by August 31 of that year. Effective upon being declared adopted.

LRB099 16043 MGM 40362 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the  
 6 electors of the State for adoption or rejection at the general  
 7 election next occurring at least 6 months after the adoption of  
 8 this resolution a proposition to amend Section 3 of Article IV  
 9 of the Illinois Constitution as follows:

10 ARTICLE IV  
 11 THE LEGISLATURE

12 (ILCON Art. IV, Sec. 3)

13 SECTION 3. LEGISLATIVE REDISTRICTING

14 (a) The Independent Redistricting Commission, comprised of  
 15 eleven Commissioners, shall adopt and file with the Secretary  
 16 of State a district plan for Legislative Districts and  
 17 Representative Districts by June 30 of the year following each  
 18 federal decennial census.

19 Legislative Districts shall be ~~compact,~~ contiguous and  
 20 substantially equal in population. Representative Districts  
 21 shall be ~~compact,~~ contiguous, and substantially equal in  
 22 population. The district plan shall comply with federal law.  
 23 Subject to the foregoing, the Commission shall apply the

1 following criteria: (1) the district plan shall not dilute or  
2 diminish the ability of a racial or language minority community  
3 to elect the candidates of its choice, including when voting in  
4 concert with other persons; (2) districts shall respect the  
5 geographic integrity of units of local government; (3)  
6 districts shall respect the geographic integrity of  
7 communities sharing common social and economic interests,  
8 which do not include relationships with political parties or  
9 candidates for office; and (4) the district plan shall not  
10 either purposefully or significantly discriminate against or  
11 favor any political party or group. In designing the district  
12 plan, the Commission shall consider party registration and  
13 voting history data only to assess compliance with the  
14 foregoing criteria, and shall not consider the residence of any  
15 person.

16 The Commission shall hold at least one public hearing in  
17 each Judicial District before, and at least one public hearing  
18 in each Judicial District after, releasing the initial proposed  
19 district plan. The Commission may not adopt a final district  
20 plan unless the plan is to be adopted without further  
21 amendment, and public notice of a report explaining its  
22 compliance with this Constitution and the criteria applied has  
23 been given at least seven days before the final vote on such  
24 plan. Upon adoption, a district plan shall have the force and  
25 effect of law and shall be published promptly by the Secretary  
26 of State.

1       The State Board of Elections shall provide the Commission  
2 and the public with complete and accurate census information  
3 and technology sufficient to propose district plans. The  
4 Commission shall adopt rules governing its procedures and the  
5 implementation of matters under this Section.

6       (b) The Commission shall act in public meetings by an  
7 affirmative vote of six Commissioners, except that approval of  
8 any district plan shall require the affirmative vote of at  
9 least seven Commissioners, which shall include (1) at least two  
10 Commissioners from each political party whose candidate for  
11 Governor received the most and second-most votes cast in the  
12 last general election for Governor, and (2) at least two  
13 Commissioners not affiliated with either such political party.  
14 The Commission shall elect its chairperson and vice  
15 chairperson, who shall not be affiliated with the same  
16 political party. Six Commissioners shall constitute a quorum.  
17 All meetings of the Commission attended by a majority of its  
18 quorum, except for meetings qualified under attorney-client  
19 privilege during pending litigation, shall be open to the  
20 public and public notice shall be given at least two days prior  
21 to any meeting. All records of the Commission, including  
22 communications between Commissioners regarding the  
23 Commission's work, shall be open for public inspection, except  
24 for records qualified under attorney-client privilege during  
25 pending litigation. The Commission may retain assistance from  
26 counsel, technical staff, and other persons with relevant

1 skills, and shall be provided with adequate resources by the  
2 General Assembly to complete its work.

3 (c) For the purpose of conducting the Commissioner  
4 selection process, an Applicant Review Panel comprising three  
5 Reviewers shall be chosen in the following manner in the year  
6 in which each federal decennial census occurs. Beginning not  
7 later than January 1 and ending not later than March 1 of the  
8 year in which the census occurs, the Auditor General shall  
9 request and accept applications to serve as Reviewers. By March  
10 31, the Auditor General shall appoint a Panel of three  
11 Reviewers, selected by random draw from eligible applicants.

12 The Panel shall act in public meetings by an affirmative  
13 vote of two Reviewers. All meetings of the Panel shall be open  
14 to the public and public notice shall be given at least two  
15 days prior to any meeting. All records of the Panel, including  
16 applications to serve on the Panel or the Commission, shall be  
17 open for public inspection, except private information about  
18 applicants for which there is no compelling public interest in  
19 disclosure. The Panel may retain assistance from counsel,  
20 technical staff, and other persons with relevant skills, and  
21 shall be provided with adequate resources by the General  
22 Assembly to complete its work.

23 (d) A Commission shall be chosen in the manner set forth in  
24 this subsection (d) in the year in which each federal decennial  
25 census occurs.

26 Beginning not later than January 1 and ending not later

1 than March 1 of the year in which the census occurs, the  
2 Auditor General shall request and accept applications to serve  
3 as Commissioners.

4 By May 31, the Applicant Review Panel shall select one  
5 hundred eligible applicants based on their relevant analytical  
6 skills, impartiality, and ability to contribute to a fair  
7 redistricting process, and shall ensure that such applicants  
8 reflect the demographic and geographic diversity of the State.  
9 The Speaker and Minority Leader of the House of Representatives  
10 and the President and Minority Leader of the Senate each may  
11 remove up to five of the applicants selected by the Panel.

12 By June 30, the Panel shall publicly select seven  
13 Commissioners by random draw from the remaining applicants; of  
14 those seven Commissioners, including any replacements, (1) the  
15 seven Commissioners shall reside among the Judicial Districts  
16 in the same proportion as the number of Judges elected  
17 therefrom under Section 3 of Article VI of this Constitution,  
18 (2) two Commissioners shall be affiliated with the political  
19 party whose candidate for Governor received the most votes cast  
20 in the last general election for Governor, two Commissioners  
21 shall be affiliated with the political party whose candidate  
22 for Governor received the second-most votes cast in such  
23 election, and the remaining three Commissioners shall not be  
24 affiliated with either such political party, and (3) no more  
25 than two Commissioners may be affiliated with the same  
26 political party. The Speaker and Minority Leader of the House

1 of Representatives and the President and Minority Leader of the  
2 Senate each shall appoint one Commissioner from among the  
3 remaining applicants on the basis of the applicant's  
4 contribution to the demographic and geographic diversity of the  
5 Commission.

6 (e) To be eligible to serve as a Reviewer, a person must  
7 have education and experience in the examination and assessment  
8 of personnel, records, systems, or procedures for ten years  
9 preceding his or her application, must have demonstrated  
10 understanding of and adherence to standards of ethical conduct,  
11 and must not have been affiliated with any political party  
12 within the three years preceding appointment. To be eligible to  
13 serve as a Commissioner, Special Commissioner, or Reviewer, a  
14 person (1) must be a resident and registered voter of the State  
15 for the four years preceding appointment, (2) within the three  
16 years preceding appointment, must not have been the holder of,  
17 or a candidate for, any public office in the State, an employee  
18 or officer of the State or a unit of local government or a  
19 political party, registered as a lobbyist anywhere in the  
20 United States, or party to a contract to provide goods or  
21 services to the State or a principal, officer, or executive  
22 employee of such a contractor, and (3) within the three years  
23 preceding appointment, must not have resided with any person  
24 described in clause (2) of this subsection.

25 (f) If the Commission fails to adopt and file a district  
26 plan with the Secretary of State by June 30 of the year

1 following a federal decennial census, the Chief Justice of the  
2 Supreme Court and the most senior Judge of the Supreme Court  
3 who is not affiliated with the same political party as the  
4 Chief Justice shall jointly appoint a Special Commissioner for  
5 Redistricting by July 31. The Special Commissioner shall design  
6 and file with the Secretary of State by August 31 a district  
7 plan satisfying the requirements and criteria set forth in  
8 subsection (a) and a report explaining its compliance with this  
9 Constitution and the criteria applied. The Special  
10 Commissioner shall hold at least one public hearing in the  
11 State before releasing his or her initial proposed district  
12 plan and at least one public hearing in a different location in  
13 the State after releasing his or her initial proposed district  
14 plan and before filing the final district plan with the  
15 Secretary of State. Upon its filing, the final district plan  
16 filed by the Special Commissioner shall have the force and  
17 effect of law and shall be published promptly by the Secretary  
18 of State.

19 ~~In the year following each Federal decennial census year, the~~  
20 ~~General Assembly by law shall redistrict the Legislative~~  
21 ~~Districts and the Representative Districts.~~

22 ~~If no redistricting plan becomes effective by June 30 of~~  
23 ~~that year, a Legislative Redistricting Commission shall be~~  
24 ~~constituted not later than July 10. The Commission shall~~  
25 ~~consist of eight members, no more than four of whom shall be~~  
26 ~~members of the same political party.~~

1       ~~The Speaker and Minority Leader of the House of~~  
2 ~~Representatives shall each appoint to the Commission one~~  
3 ~~Representative and one person who is not a member of the~~  
4 ~~General Assembly. The President and Minority Leader of the~~  
5 ~~Senate shall each appoint to the Commission one Senator and one~~  
6 ~~person who is not a member of the General Assembly.~~

7       ~~The members shall be certified to the Secretary of State by~~  
8 ~~the appointing authorities. A vacancy on the Commission shall~~  
9 ~~be filled within five days by the authority that made the~~  
10 ~~original appointment. A Chairman and Vice Chairman shall be~~  
11 ~~chosen by a majority of all members of the Commission.~~

12       ~~Not later than August 10, the Commission shall file with~~  
13 ~~the Secretary of State a redistricting plan approved by at~~  
14 ~~least five members.~~

15       ~~If the Commission fails to file an approved redistricting~~  
16 ~~plan, the Supreme Court shall submit the names of two persons,~~  
17 ~~not of the same political party, to the Secretary of State not~~  
18 ~~later than September 1.~~

19       ~~Not later than September 5, the Secretary of State publicly~~  
20 ~~shall draw by random selection the name of one of the two~~  
21 ~~persons to serve as the ninth member of the Commission.~~

22       ~~Not later than October 5, the Commission shall file with~~  
23 ~~the Secretary of State a redistricting plan approved by at~~  
24 ~~least five members.~~

25       ~~An approved redistricting plan filed with the Secretary of~~  
26 ~~State shall be presumed valid, shall have the force and effect~~

1 ~~of law and shall be published promptly by the Secretary of~~  
2 ~~State.~~

3 (g) The Supreme Court shall have original and exclusive  
4 jurisdiction in cases relating to matters under this Section.  
5 The Commission shall have exclusive authority, and shall be  
6 provided adequate resources by the General Assembly, to defend  
7 any district plan adopted and filed by the Commission. ~~over~~  
8 ~~actions concerning redistricting the House and Senate, which~~  
9 ~~shall be initiated in the name of the People of the State by~~  
10 ~~the Attorney General.~~

11 (Source: Amendment adopted at general election November 4,  
12 1980.)

13 SCHEDULE

14 This Constitutional Amendment takes effect upon being  
15 declared adopted in accordance with Section 7 of the Illinois  
16 Constitutional Amendment Act.